

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-NINTH LEGISLATURE

TWENTY-FOURTH LEGISLATIVE DAY
MONDAY, JANUARY 31, 2007

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Burkett, Cameron, Keough, Lodge, Pearce, and Werk, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Bear Chelson, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senator Burkett was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 30, 2007, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Keough, Lodge, and Werk were recorded present at this order of business.

January 30, 2007

The JUDICIARY AND RULES Committee reports that **S 1065, S 1066, S 1067, S 1068, S 1069, and S 1070** have been correctly printed.

DARRINGTON, Chairman

S 1065 and S 1066 were referred to the Judiciary and Rules Committee.

S 1067 was referred to the Education Committee.

S 1068 and S 1069 were referred to the Health and Welfare Committee.

S 1070 was referred to the State Affairs Committee.

January 30, 2007

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

J. Kirk Sullivan to the Public Employee Retirement System of Idaho (PERSI) Board, term to expire July 1, 2011;

Bill Deal as Director of the Department of Insurance, term to expire at the pleasure of the Governor;

Tana Cory as Chief of the Bureau of Occupational Licenses, term to expire at the pleasure of the Governor;

Gavin Gee as Director of the Department of Finance, term to expire at the pleasure of the Governor.

ANDREASON, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 31, 2007

The STATE AFFAIRS Committee reports out **H 2** with the recommendation that it do pass.

McKENZIE, Chairman

H 2 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

January 30, 2007

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that William B. Booth of Hayden, Idaho, was appointed as a member of the Idaho Northwest Power and Conservation Council to serve a term commencing January 15, 2007, and expiring January 15, 2010.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

January 30, 2007

Mr. President:

I transmit herewith **H 19**, **H 20**, and **H 21** which have passed the House.

JUKER, Chief Clerk

H 19, **H 20**, and **H 21** were filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senators Cameron and Pearce were recorded present at this order of business.

The President Pro Tempore announced the Judiciary and Rules Committee report, relative to the Gubernatorial appointments of Jay Nielsen and Robin Sandy, was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Darrington, seconded by Senator Burkett, the Gubernatorial appointment of Jay Nielsen as a member of the State Board of Correction was confirmed by voice vote.

On motion by Senator Lodge, seconded by Senator Malepeai, the Gubernatorial appointment of Robin Sandy as a member of the State Board of Correction was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

H 19, **H 20**, and **H 21**, by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1036 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President Pro Tempore declared **S 1036** passed, title was approved, and the bill ordered transmitted to the House.

S 1015 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President Pro Tempore declared **S 1015** passed, title was approved, and the bill ordered transmitted to the House.

S 1021 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President Pro Tempore declared **S 1021** passed, title was approved, and the bill ordered transmitted to the House.

S 1012 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 31.

NAYS--Fulcher, McKague, McKenzie, Pearce. Total- 4.

Total - 35.

Whereupon the President Pro Tempore declared **S 1012** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President Pro Tempore declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President Pro Tempore called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **S 1017**, without recommendation, amended as follows:

SENATE AMENDMENT TO S 1017

AMENDMENTS TO SECTION 2

On page 10 of the printed bill, in line 30, delete "and 39-3424"; on page 12, delete lines 33 through 39; in line 40, delete "(3)" and insert: "(2)"; in line 42, following "gift" insert: "and the removal will not interfere with any autopsy or investigation"; delete lines 48 through 52; on page 13, delete lines 1 through 55; on page 14, delete lines 1 through 3; in line 4, delete "39-3425" and insert: "39-3424"; and in line 8, delete "39-3426" and insert: "39-3425".

CORRECTION TO THE TITLE

On page 1, delete lines 26 and 27 and insert: "PROVIDE FOR UNIFORMITY".

STEGNER, Chairman

President Pro Tempore Geddes called Senator Cameron to the Chair.

On motion by Senator Stegner, seconded by Senator Burkett, the report was adopted by voice vote.

S 1017, as amended, was referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, **H 29** was placed at the head of the Third Reading Calendar, followed by Senate bills, followed by the remaining House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 11 a.m., Thursday, February 1, 2007.

ROBERT L. GEDDES, President Pro Tempore

Attest: RUSTI HORTON, Assistant Secretary